Previous references.

File No 439—04

1905
(Municipal)

Serial Nos. 1—2

Later references

GENERAL AND REVENUE SECRETARIAT

Serial Nos 1—2

Part B for March 1905

SUBJECT

Deposits in Govt Savings Bank of amounts due to the minors for lands acquired by the Improvement Trust Board 2 cross 73 L

	FILE No Ml. 439 of 1904-05
	Deposits in Government Savings Bank of amounts due to the Minor's properties acquired by the Mysore City Improvement Trust Board.
1	From the Chairman, Mysore City Trust Board, No. 220, dated 18th February 1905. Requests sanction to deposit the awarded amount of the properties acquired for the improvement purposes in the Government Savings Bank in the case of minors till a legally constituted guardian is appointed by them, and in other cases when there are more claimants than one for the same property, pending the settlement of the ownership in a Civil Court.
2	From the Secretary, General and Revenue Department, No 9079-82, dated 31st March 1905 States that both the cases alluded to in the above reference fall under Sub-Section (2) of Section 31 of the Land Acquisition Regulation and that the Chairman who is invested with the powers of a Deputy Commissioner under the Regulation should, under the provisions of the said section, deposit the amounts of compensation in the District Judge's Court to be dealt with by that Court under Section 32 and not in the Government Savings Bank as proposed.
	Endorsement to the Comptroller, the Deputy Commissioner, Mysore District, and the President, Municipal Commission, Mysore City, No. 9079-82, dated 31st March 1905 Forwards copy of the above.

G R. S 58

G R.S. 11]

1904-05

GENERAL AND REVENUE SECRETARIAT

(Munl)

NOTES

File No. 429-04

FILE HEADING.

Deposits in Govt Savings Bank, of amounts awarded due to minors on account of properties acquired by the Nuwara Eliya Improvement Trust Board

From

The Chairman of the Nuwara Eliya Improvement Trust Board

No. 220 Dated 18-2-05 Received 20 2 05

Diary No 5605	Enclos	Spare Copies	Serial No

BRIEF ABSTRACT OF LETTER

Requests sanction to deposit the awarded amounts of properties acquired for improvement purposes in Govt Savings Bank in the case of minors till a legally constituted guardian is appointed by them and in other cases where there are rival claimants than one for the same property pending the settlement of the ownership in Civil Courts

NOTES AND ORDERS.

The provisions of the Nuwara Eliya Land Acquisition Regn of the Nuwara Eliya Improvement Regulation do not appear to provide for such cases Submitted for orders.

23 2 05 2. This question may perhaps be dealt with in Branch II & III

3 For advice

28/2/05

28/2/05

NOTES—First sheet

MGL.P.B.—25,000—12-8-04

GRS 12]
General and Revenue Secretariat

File No 439 of 1904 5

Serial No

4 Please send this to Branches II & III for favour of note for submission to the Secty

JB
10/3/05

To Br II

5 Submd for orders
13/3/05

6 Please put up the Savings Banks Rules and the Mysore Land Acquisition Regulation

14-3-05

7 Submitted
14/3/05

8 The questions referred to the Financial Branch for opinion are I believe the following —

1) Whether the amount awarded as compensation for lands belonging to a minor and acquired by the City Improvements Board may be deposited in a Government Savings Bank pending appointment of a legal guardian, —

2) If in cases where there is more than one claimant for the same property, the amount awarded may be deposited

MGCPB—20 000— 1 11 04

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on a Government Savings Bank pending the settlement of the ownership on a civil Court

9 I presume that the deposit in the first case is on behalf of the minor and in the second case in trust for the claimants

10 Rule 16 of the Savings Banks Rules provides for any one depositing money on behalf of a minor subject to the condition that it is repayable only to the proper constituted guardian of the minor during his minority

11 Rule 5 prohibits trust accounts being opened The Board which holds the compensation amount in trust for the claimants cannot therefore deposit the amount in the Savings Bank

12 It is not clear from the papers in the file whether the acquisition of lands therein referred to was made under Sec 22 of the Mysore City Improvement Regulation or by agreement as under Sec 23

13 If the minors were not represented by legal guardians how the acquisition could have been made by agreement, during the minority is not clear If the acquisition was made otherwise than by agreement through the

MCCPB—20 000—1 11 04

J.B.S 12]
General and Revenue Secretariat

File No 439 of 1904 5

Serial No

Chairman exercises the powers of Dy Comm. Note 2155 8/12/03 3503

Deputy Commissioner under sec 23, the powers of the Land Acquisition Regulation would apply to the case and it is the Deputy Commissioner who should in this case arrange for payment, the City Board having simply to pay over the amount awarded by the Deputy Commissioner for disposal under the said Regulation (vide clause 4 of sec 23 of the Mysore City Improvements Regulation and sec 31 of the Land Acquisition Regulation)

These remarks apply also to the case of the claimant the ownership of whose property is pending settlement in a Civil Court, if the land was acquired under sec 23 of the Mysore City Improvements Regulation. In the case of the latter it is a question for investigation by the branch concerned whether it does not fall under clause (2) of sec 31 of the Land Acquisition Regulation (vide also sec 33 of the same Regulation)

4 Under sec 34 of the Land Acquisition Regulation when the amount of compensation is not paid before taking possession of the land, the Deputy Commissioner shall pay the amount awarded with interest thereon at the rate of six per cent per annum from the time of so taking possession until

ontn sheet

Serial No

it shall have been so paid. If the question now referred for opinion of this Board are covered by this section of the Land Acquisition Regulation the question of depositing the amount in a Government Savings Bank does not arise.

15
21
15-3-05

b) Subject for order

SW
15/3/05

16 Both the cases alluded to in the reference, viz that of minors, who are persons not competent to alienate land, and that of claimants disputing the title to receive compensation, fall clearly under Sub-section (2) of section 31 of the Land Acquisition Regulation. The Chairman of the Board of Revenue, who has been invested with the functions of a Dep.y Comm.r under the Regn, should follow the procedure laid down in the said section, depositing the amounts of compensation in the District Judge's Court, ~~directing it in~~ to be dealt with by such Court under section 32.

There is no occasion for the Chairman to himself deposit the moneys in the Savings Bank. A reader to the above effect

Note.—Contd sheet

G.R.S 12]
General and Revenue Secretariat

Inf File No 439 of 1904 5

Serial No

K V H
27/3/05

Mafue drafted, & subd to Secy.

21-3-08
27

17 Draft order in the Deputy Secretary's view is submitted for approval

HBH sng
27/3/1905

27/3/05

18 Passed
28 3 1905

2 To the Chairman & Comptr GF
No 9079-82 dy 31 3 1905
orders as in para 16 supra

Contn sheet

D5605 2nd F 435-04 (1)

OFFICE OF THE CHAIRMAN OF THE BOARD OF TRUSTEES,
FOR THE IMPROVEMENTS OF THE CITY OF MYSORE

Nº 220

Mysore, Dated, 18th. February 1905

FROM

D.Sitarama Rao Esq ,
Chairman of the Board of Trustees
Mysore City Improvements

To

B K Venkatavarada Iyengar Esq,,
Secretary to the Govt of H H the Maharaja of
Mysore, General and Revenue Departments

Sir,

I have the honor to report that it is found necessary to deposit the awarded amount of the properties acquired for the Improvement purposes in the Govt Savings Bank in the case of minors till a legally constituted guardian is appointed by the minors, and in other cases where there are two or three claimants for the same property pending the settlement of the ownership in a Civil Court

2 Mysore Government, Comptroller in his docket No 4331 of the 3rd Instant requests authority for so depositing the awarded amount in the Government Savings Bank

3 I request sanction may kindly be accorded for the procedure adopted. I have already served notices on the minors concerned to get legal guardians appointed to pay up the amounts deposited in the Savings Bank

I have the honor to be,

Sir,

Your most obedient servant,

D Sitarama Rao

Chairman

B.R

G.R S 28]

File No

Serial No

Diary No of letter replied to 5605

Proceedings of the Government of His Highness the Maharaja of Mysore

GENERAL AND REVENUE SECRETARIAT
(Irrigation)

, the 190

Date of issue 31/3/05

Signed by Mr H Ramanujam

READ — Letter No 290 dated the 18th February 1905 from the Chairman of the Board of Trustees for the Improvement of the Lock of Krishnarajasagar soliciting sanction to deposit in the Government Savings Bank the amount of compensation awarded as ~~ORDER THEREON~~ NO compensation for properties acquired for the above improvements, ~~in the case of minors~~ whose title & legality can satisfactorily be ascertained for the present, and to depute the Inam Commissioner for the purpose in ~~other~~ cases where there are more claimants than one for the same property & to the other

SUBJECT

orders that the amount of Compensation payable to minors and persons disputing title to receive compensation be deposited in the Dist Court & to be dealt with by that Court under Sec 31 of the L A Regn Act, that there is no necessity for the Chairman to himself deposit the moneys in the Savings Bank

Ownership as settled by a competent
Civil Court

Order thereon. No. 9079-89
Mad (93) (M) 2 dt 31-8-05

Both the cases alluded to
in the above reference, viz trial
of minors who are persons not
competent to alienate land, and
trial of claimants disputing
title to receive compensation
fall clearly under Sub Section
(2) of Section 31 of the Land
Acquisition Regulation. The
Chairman of the Board of
Investors who has been invested
with the powers of a Deputy
Commissioner under the
Regulation, should follow
the procedure laid down in
the said Section, viz if disputes
the amounts of compensation
in the District Judge's court to be
dealt with by that Court under
Section 32 There is no necessity
for the Chairman to himself deposit
the moneys in the Savings Bank

28/3/1905

27/3/05 Secretary 27/3

To The Chairman of the Board of
Investors for the Improvement
of the Port of Pondicherry
The Branch to the Govt of H.H.
Governor of Pondicherry

To The Registrar Allegations &c of the Provincial Civil Court, the Board, Pondicherry.